



UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) <b>COLE, SCHOTZ, MEISEL, FORMAN &amp; LEONARD, P.A.</b> A Professional Corporation Court Plaza North 25 Main Street, P. O. Box 800 Hackensack, New Jersey 07602-0800 (201) 489-3000 (201) 489-1536 Facsimile Attorneys for Plaintiff, Rachel Adjmi	
In Re:	SOLOMON DWEK,  Debtor
RACHEL ADJMI,  Plaintiff,  v. SOVEREIGN BANK, SOLOMON DWEK and CONSOLIDATED CHILDREN'S APPAREL,  Defendants.	
SOVEREIGN BANK,  Counterclaim, Cross-claim and Third-Party Plaintiff  v. RACHEL ADJMI, in her individual capacity and as executrix of the estate of Jack Adjmi, <i>et al.</i> ,  Counterclaim, Cross-claim and Third-Party Defendants.	
CONSOLIDATED CHILDREN'S APPAREL,  Cross-claimant  v.  SOVEREIGN BANK ON SOLOMON DWEK,  Cross-Defendants.	

Case No.: 07-11757 (KCF)

Adv. No.: 07-1555 (KCF) and 07-1757

Judge: Honorable Kathryn C. Ferguson

**THIRD AMENDED JOINT  
SCHEDULING ORDER**

The relief set forth on the following pages, numbered two (2) through six (6) is hereby

ORDERED.

**DATED: 12/3/2008**

43818/0003-1533550v1

  
\_\_\_\_\_  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

**WHEREAS**, on August 15, 2006, Plaintiff, Rachel Adjmi instituted suit against Sovereign Bank (“Sovereign”) and Solomon Dwek in the Superior Court of New Jersey, Chancery Division, General Equity Part, Monmouth County, under Docket No. MON-C-256-06 (the “State Court Action”); and

**WHEREAS**, on November 3, 2006, Sovereign filed its Answer, Counterclaim, Cross-Claim, and Third Party Complaint to the State Court Action; and

**WHEREAS**, the parties to the State Court Action have begun discovery in the State Court Action prior to the bankruptcy filing against Dwek; and

**WHEREAS**, on or about April 18, 2007, Sovereign filed its Notice of Removal of the State Court Action to the United States District Court for the District of New Jersey, to 28 U.S.C. § 1452(a) and Fed. R. Bankr. P. 9027 (the “Removed Action”); and

**WHEREAS**, the Removal Action was thereafter referred to this Court, pursuant to the Standing Order of Reference to the United States Bankruptcy Court for the District of New Jersey; and

**WHEREAS**, a pretrial conference having been scheduled in the Removed Action pursuant to *Fed.R. Civ.P* 16(b) and (e), made applicable to these proceedings by *Fed.R.Bankr.P.* 7016, and the parties hereto having conducted a Fed. R. Civ. P. 26 Conference, and a Scheduling Order having been previously entered on July 27, 2007, and an Amended Joint Scheduling Order having been previously entered on August 7, 2007; and a Second Amended Joint Scheduling Order having been submitted and entered and

**WHEREAS**, the parties having consented to the extension of certain discovery deadline and pretrial dates; and good cause having been shown for the entry of this Amended Scheduling Order; it is

**ORDERED** that:

1. All discovery is to be completed as follows:
  - a. Service of all Requests for the Production of Documents, Interrogatories and Requests for Admissions shall be served no later than January 30, 2009;
  - b. Service of all responses to Interrogatories and Requests for Productions of Documents previously served shall be completed by March 15, 2009;
  - c. Service of all hand writing expert reports shall be completed by April 30, 2009;
  - d. Rebuttal hand writing expert reports shall be served by May 30, 2009;
  - e. All other expert reports (including forensic accounting reports) shall be served no later than June 30, 2009, and rebuttal expert reports shall be served no later than July 30, 2009.
  - f. All depositions of fact witnesses shall be completed by no later than June 30, 2009.
  - g. All depositions of expert witnesses shall be completed by no later than August 30, 2009.
2. Any motions to compel discovery are to be made so that the court can rule and the discovery can be obtained before the deadline specified above for that event. Late filed discovery motions shall not constitute cause for an adjournment of the scheduled trial date.
3. All other motions, including dispositive motions, shall be filed and returnable no later than **October 30, 2009**. Late filed motions shall not constitute cause for an adjournment of the scheduled trial date.
4. ☐ (CHECK IF APPLICABLE) The parties agree to pursue mediation to attempt to

resolve disputed matters. A separate mediation order selecting a mediator and providing for a mediation schedule shall be submitted within ten (10) days.

5. Plaintiff shall file a joint stipulation of all undisputed facts and all parties shall file and serve proposed findings of disputed facts, proposed conclusions of law, trial briefs if desired by the party, and binders with copies of pre-marked exhibits no later than **November 30, 2009**.

The parties anticipate a trial of approximately 1 week.

6. All parties shall bring to the trial sufficient copies of their exhibit lists to provide two to the court and one for each adversary.

7. Trial will commence on **December 8, 2009, at 10:00 a.m.**, or as soon thereafter as the matter may be heard, at:

United States Bankruptcy Court

Address: 402 East State Street

Third Floor

Trenton, New Jersey 08608

Courtroom #: 2

**PARTIES MUST BE PREPARED TO PROCEED TO TRIAL ON THE SCHEDULED DATE. ADJOURNMENTS WILL BE GRANTED ONLY FOR COMPELLING REASONS BEYOND THE CONTROL OF THE PARTIES. ADJOURNMENT REQUESTS MUST BE RECEIVED NO LATER THAN THE THIRD BUSINESS DAY BEFORE THE SCHEDULED TRIAL DATE.**

**Consented to and Agreed upon:**

**Greenberg Traurig, LLP**  
Attorneys for Sovereign Bank

By: /s/ Louis Delucia  
Louis Delucia

Dated: November 19, 2008

**BROEGE, NEUMANN, FISCHER & SHAVER, LLC**  
Attorneys for the Debtor Solomon Dwek

By: /s/ Timothy P. Neumann  
Timothy P. Neumann

Dated: November 19, 2008

**McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP**  
Attorneys for Charles A. Stanziale, Jr., Chapter 11 Trustee

By: \_\_\_\_\_  
Louis A. Modungo

Dated: November 19, 2008

**DUANE MORRIS LLP**

Attorneys for the Official Committee of Unsecured Creditors

By: /s/ Walter J. Greenhalgh  
Walter J. Greenhalgh

Dated: November 19, 2008

**COLE SCHOTZ MEISEL FORMAN & LEONARD, P.A.**

Attorneys for Rachel Adjmi, Individually and as Executrix  
of the Estate of Jack Adjmi

By: /s/ James T. Kim  
James T. Kim

Dated: November 19, 2008

*NJ 226225761v3 8/3/2007*